

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

CHARLESTON SHIPP,

Plaintiff,

vs.

NO.: 2:10-cv-02598-STA-dkv

VISIONS SPORTS BAR & GRILL, INC.,
MARIA LOPEZ, MIKE FURFIK,
CITY OF MEMPHIS, JIMMY HUDSON,
ALKI KING, NOEL JACKSON and
JULIAN,

Defendants.

MOTION TO DISMISS DEFENDANT CITY OF MEMPHIS, TENNESSEE

Pursuant to Rule 12(b)(6), Federal Rules of Civil Procedure, Defendant, City of Memphis, Tennessee (the “City”) moves to dismiss the Complaint in this cause and in support thereof states as follows:

1. The Complaint fails to state a claim upon which relief can be granted.
2. The Complaint fails to state a claim pursuant to 18 USC § 1961 *et seq.* (“RICO”).
3. The Court should decline to accept jurisdiction of the state court claim.
4. The Complaint fails to state a claim pursuant to state law.

Respectfully submitted,

**HERMAN MORRIS, JR.
CITY ATTORNEY**

s/Zayid A. Saleem
Zayid A. Saleem, BPR #026571
Assistant City Attorney
125 North Main Street, Room 336
Memphis, Tennessee 38103-2079
Office No.: (901) 576-6614
Facsimile No.: (901) 576-6524
E-mail: ZAYID.SALEEM@MEMPHISTN.GOV

CERTIFICATE OF SERVICE

I, Zayid A. Saleem, hereby certify that a copy of the foregoing document has been forwarded to Drayton D. Berkley, Esquire, 81 Monroe Avenue, Suite 400, Memphis, Tennessee 38103 and Precious Moore Coleman, Esquire, 100 North Main Street, Suite 2601, Memphis, Tennessee 38103, via electronic filing, on this the 10th day of September 2010.

s/Zayid A. Saleem
Zayid A. Saleem